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OFFICE OF PETITIONS

In re Patent No. 7,807,800
Kendrew, et al.
Application No. 10/580,781
Issue Date: October 5, 2010
Filed: June 13, 2007
Attorney Docket No. LB63530US

: DECISION ON
: REQUEST FOR RECONSIDERATION
: of PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the “REQUEST FOR RECONSIDERATION OF PATENT TERM UNDER 35 USC §154(b) and 37 CFR §1.705(d)”, filed December 3, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

On October 5, 2010, the instant application matured into U.S. Patent No. 7,807,800 with a patent term adjustment of two hundred eighty-seven (287) days. The Office determined a patent term adjustment of 287 days based upon 25 days of Office delay pursuant to 37 CFR 1.703(a)(3) and 348 days pursuant to 37 CFR 1.703(b), reduced by 61 days of Applicant delay pursuant to 37 CFR 1.704(b).

Patentees are correct that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the “B” delay period. Commencement began on May 28, 2006 (i.e. 30 months from the priority date of November 28, 2003). Accordingly, the over three year period began on May 29, 2009 and ended on October 5, 2010 (the patent issue date), and is 495 days. See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the “B” delay period is 495 days, not 348 days as originally calculated.

In view thereof, the correct number of days of patent term adjustment is **four hundred thirty-four (434)** days (25 days of "A" delay and 495 days of "B" delay, reduced by 61 days of Applicant delay and 25 days of overlap between "A" and "B" delay).

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred thirty-four (434) days**.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,807,800 B2

DATED : October 5, 2010

INVENTOR(S) : Kendrew et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 287 days.

Delete the phrase "by 287 days" and insert – by 434 days--